

FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC CO-OPERATION
BETWEEN THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS AND THE PEOPLE'S
REPUBLIC OF CHINA

PREAMBLE

WE, the Heads of Government/State of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic ("Lao PDR"), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State"), and the People's Republic of China ("China"):

RECALLING our decision made at the ASEAN-China Summit held on 6 November 2001 in Bandar Seri Begawan, Brunei Darussalam, regarding a Framework on Economic Co-operation and to establish an ASEAN-China Free Trade Area ("ASEAN-China FTA") within ten years with special and differential treatment and flexibility for the newer ASEAN Member States of Cambodia, Lao PDR, Myanmar and Viet Nam ("the newer ASEAN Member States") and with provision for an early harvest in which the list of products and services will be determined by mutual consultation;

DESIRING to adopt a Framework Agreement on Comprehensive Economic Co-operation ("this Agreement") between ASEAN and China (collectively, "the Parties", or individually referring to an ASEAN Member State or to China as a "Party") that is forward-looking in order to forge closer economic relations in the 21st century;

DESIRING to minimise barriers and deepen economic linkages between the Parties; lower costs; increase intra-regional trade and investment; increase economic efficiency; create a larger market with greater opportunities and larger economies of scale for the businesses of the Parties; and enhance the attractiveness of the Parties to capital and talent;

BEING confident that the establishment of an ASEAN-China FTA will create a partnership between the Parties, and provide an important mechanism for strengthening co-operation and supporting economic stability in East Asia; RECOGNISING the important role and contribution of the business sector in enhancing trade and investment between the Parties and the need to further promote and facilitate their co-operation and utilisation of greater business opportunities provided by the ASEAN-China FTA;

RECOGNISING the different stages of economic development among ASEAN Member States and the need for flexibility, in particular the need to facilitate the increasing participation of the newer ASEAN Member States in the ASEAN-China economic co-operation and the expansion of their exports, including, inter alia, through the strengthening of their domestic capacity, efficiency and competitiveness;

REAFFIRMING the rights, obligations and undertakings of the respective parties under the World Trade Organisation (WTO), and other multilateral, regional and bilateral agreements and arrangements;

东南亚国家联盟与中华人民共和国关于全面经济合作的框架协议

序言

我们，文莱达鲁萨兰国、柬埔寨王国、印度尼西亚共和国、老挝人民民主共和国（“老挝人民民主共和国”）、马来西亚、缅甸联邦、菲律宾共和国、新加坡共和国、泰国和越南社会主义共和国的政府首脑/国家元首，东南亚国家联盟（以下简称“东盟”或“东盟成员国”，单独称“东盟成员国”）成员国，以及中华人民共和国（以下简称“中国”）：

回顾我们在文莱达鲁萨兰国斯里巴加湾市举行的东盟-中国峰会于2001年11月6日作出的决定，该决定涉及一项经济合作框架协议，旨在建立东盟-中国自由贸易区（“东盟-中国自由贸易区”），在十年内实施特殊和差别待遇及灵活性，适用于新东盟成员国柬埔寨、老挝人民民主共和国、缅甸和越南（“新东盟成员国”），并规定早期收获机制，其中产品和服务清单由相互协商确定；

渴望缔结一项关于全面经济合作的框架协议（“本协议”），以东南亚国家联盟（东盟）和中国（以下统称“缔约方”，或单独指代一个东盟成员国或指代中国为一个“缔约方”）为对象，旨在面向未来，以在21世纪建立更紧密的经济关系；

渴望尽量减少壁垒，深化缔约方之间的经济联系；降低成本；增加区域内部贸易和投资；提高经济效率；为缔约方的企业提供更大的市场、更多的机会和更大的规模经济；并增强缔约方对资本和人才的吸引力；

相信建立东盟-中国自由贸易区将创建缔约方之间的伙伴关系，并为加强合作和支持东亚经济稳定提供一个重要机制；承认商业部门在增强缔约方之间贸易和投资方面的重要作用和贡献，以及进一步促进和便利其合作和利用东盟-中国自由贸易区提供的更大商业机会的必要性；

认识到东盟成员国之间经济发展阶段不同，需要灵活性，特别是需要促进新东盟成员国参与东盟—中国经济合作以及扩大其出口，包括，例如，通过加强其国内能力、效率和竞争力；

重申世界贸易组织（WTO）下各缔约方的权利、义务和承诺，以及其他多边、区域和双边协议和安排；

RECOGNISING the catalytic role that regional trade arrangements can contribute towards accelerating regional and global liberalisation and as building blocks in the framework of the multilateral trading system;
HAVE AGREED AS FOLLOWS:

ARTICLE 1
Objectives

The objectives of this Agreement are to:

- (a) strengthen and enhance economic, trade and investment co-operation between the Parties;
- (b) progressively liberalise and promote trade in goods and services as well as create a transparent, liberal and facilitative investment regime;
- (c) explore new areas and develop appropriate measures for closer economic co-operation between the Parties; and
- (d) facilitate the more effective economic integration of the newer ASEAN Member States and bridge the development gap among the Parties.

ARTICLE 2
Measures For Comprehensive Economic Co-operation

The Parties agree to negotiate expeditiously in order to establish an ASEAN-China FTA within 10 years, and to strengthen and enhance economic co-operation through the following:

- (a) progressive elimination of tariffs and non-tariff barriers in substantially all trade in goods;
- (b) progressive liberalisation of trade in services with substantial sectoral coverage;
- (c) establishment of an open and competitive investment regime that facilitates and promotes investment within the ASEAN-China FTA;
- (d) provision of special and differential treatment and flexibility to the newer ASEAN Member States;
- (e) provision of flexibility to the Parties in the ASEAN-China FTA negotiations to address their sensitive areas in the goods, services and investment sectors with such flexibility to be negotiated and mutually agreed based on the principle of reciprocity and mutual benefits;
- (f) establishment of effective trade and investment facilitation measures, including, but not limited to, simplification of customs procedures and development of mutual recognition arrangements;
- (g) expansion of economic co-operation in areas as may be mutually agreed between the Parties that will complement the deepening of trade and investment links between the Parties and formulation of

认识到区域贸易安排在加速区域和全球自由化以及作为多边贸易体系框架中的基石方面可以发挥的催化作用；已同意如下：

第一条 目
的

本协定之目的在于：(a) 加强和促进缔约方之间的经济、贸易和投资合作；(b) 逐步自由化并促进货物和服务贸易，并创建一个透明、自由和便利的投资制度；(c) 探索新的领域和发展适当的措施，以加强缔约方之间的经济合作；以及 (d) 促进新东盟成员国更有效的经济一体化，并缩小缔约方之间的发展差距。

第二条
全面经济合作措施

缔约方同意迅速谈判，以在10年内建立东盟-中国自由贸易区，并通过以下措施加强和促进经济合作：

- (a) 逐步消除实质上所有货物贸易中的关税和非关税壁垒；(b) 逐步自由化具有实质性部门覆盖范围的服务贸易；(c) 建立开放和竞争的投资制度，以促进和推动东盟-中国自由贸易区内的投资；(d) 向新东盟成员国提供特殊和差别待遇以及灵活性；(e) 在东盟-中国自由贸易区谈判中，向缔约方提供灵活性，以解决他们在货物、服务和投资部门中的敏感领域，此类灵活性应根据互惠互利原则进行谈判和相互同意；(f) 建立有效的贸易和投资便利化措施，包括但不限于简化海关程序和发展相互承认安排；(g) 在缔约方相互同意的领域扩大经济合作，以补充缔约方之间不断加深的贸易和投资联系，并制定